

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

UBER TECHNOLOGIES, INC.
Petitioner

v.

FARE TECHNOLOGIES LLC
Patent Owner

IPR2023-00746
U.S. Patent No. RE46,727

JOINT MOTION TO TERMINATE PURSUANT TO 35 U.S.C. § 317

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, Uber Technologies, Inc. (“Petitioner”) and Fare Technologies LLC (“Patent Owner”) (collectively, “the Parties”) jointly request termination of this proceeding. The parties have entered into a written confidential settlement agreement that settles all disputes between them, including those relating to this proceeding. Pursuant to 37 C.F.R. § 42.74, a true copy of the Parties’ settlement agreement (including any other related agreement) has been filed as Exhibit 2004. This Joint Motion was authorized by the Board pursuant to e-mail correspondence on December 20, 2023.

Pursuant to 37 C.F.R. §§ 42.5 and 42.72, the Board may terminate a trial without rendering a final written decision, where appropriate, including pursuant to a joint request under 35 U.S.C. §§ 317(a) or 327(a). Because “there are strong public policy reasons to favor settlement between the parties to a proceeding,” the Board “expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.” PTAB Consolidated Trial Practice Guide at 86 (November 2019).

In the instant proceeding, the Board instituted trial on October 25, 2023 (Paper 7). The Board has not finally decided the merits. Therefore, it is appropriate for the Board to exercise its authority pursuant to 37 C.F.R. § 42.71 to terminate this proceeding in view of the settlement entered between the Parties. By granting the present motion, the Board and the Parties can conserve resources.

Additionally, maintaining this proceeding would discourage settlement, as patents owners would have a disincentive to settle if they expected that an *inter partes* review would continue regardless of a settlement.

As required by statute and as directed by the Board, the parties are filing concurrently herewith, as a separate submission, a Joint Request to Treat Settlement Agreement as Business Confidential and to Keep Separate, pursuant to 35 U.S.C. § 317(b), along with a true copy of the written settlement agreement, which includes all agreements between the Parties related to this proceeding (Ex. 2004). The Parties request that the settlement agreement be treated as business confidential information, kept separate from the files of the involved patent, and made available only to Federal Government agencies on written request, or to any person on showing of good cause under 35 U.S.C. § 317 and 37 C.F.R. § 42.74(c). The Parties certify that there are no other collateral agreements or understandings, oral or written, between the Parties made in connection with, or in contemplation of, the termination of this proceeding.

For the foregoing reasons, the Parties respectfully request that the Board grant the Parties' Joint Motion to Terminate.

Dated: December 20, 2023

Respectfully submitted,

/Benjamin J. Bradford/

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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Petitioner and Patent Owner's Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 to be served by electronic means upon the following:

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Dated: December 20, 2023

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